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PATENTS
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicant : Joseph F. Pinkerton
Application No. : 09/885,367 Confirmation No.: 4177
Filed : June 20, 2001
For : ENERGY CONVERSION SYSTEMS USING
NANOMETER SCALE ASSEMBLIES AND
METHODS FOR USING SAME
Group Art Unit : 2834
Examiner : Joseph Waks

RECEIVED

DEC 24 2002

New York, New York 10020
December 23, 2002

OFFICE OF PETITIONS

Hon. Commissioner of Patents
Washington, D.C. 20231

PETITION FOR WITHDRAWAL FROM
ISSUE UNDER 37 C.F.R. 1.313(c)(2)

Sir:

Pursuant to 37 C.F.R. § 1.313(c)(2), applicant
hereby petitions that U.S. Patent Application No. 09/885,367
("the '367 application") be withdrawn from issue. 37 C.F.R.
§ 1.313 states in relevant part that:

" (c) Once the issue fee has been
paid, the application will not be

withdrawn from issue upon petition by the applicant for any reason except:

* * *

(2) Consideration of a request for continued examination in compliance with § 1.114;"

Applicant paid the issue fee on December 13, 2002. Applicant requests that the '367 application be withdrawn from issue to permit consideration of a request for continued examination under 37 C.F.R. § 1.114 that is being filed together with the filing of this petition. The request for continued examination is being filed with an information disclosure statement under 37 C.F.R. § 1.97 that is also being filed concurrently herewith. Thus, applicant has satisfied the requirements of 37 C.F.R. § 1.313(c)(2).

A check in the amount of \$130.00, in payment of the fee set forth in 37 C.F.R. § 1.17(h) is enclosed herewith. The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with this petition, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this petition is enclosed herewith.

Respectfully submitted,

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